



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/823,744	03/25/97	SALESKY	J 17648-2

LMC1/0823
PHILIP H. ALBERT
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER 8TH FLOOR
SAN FRANCISCO CA 94111-3834

EXAMINER

VAUGHN JR, W

ART UNIT

PAPER NUMBER

2756

DATE MAILED: 08/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/823,744

Applicant(s)

Salesky et al.

Examiner

William. C. Vaughn, Jr.

Group Art Unit

2756



☒ Responsive to communication(s) filed on Jun 16, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1(one) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) 3-16 and 18-22 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1, 2, 17, and 23-37 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2756

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. **Claims 1, 2, and 23-32**, drawn to a conferencing system that has a client that maintains a version of a shared portion of data and has a compression mechanism for compressing data updates and a decompression mechanism for decompressing compressed data updates, classified in class 709, subclasses 204, 205, and 247.
- II. **Claim 17, and 34-37**, drawn to data flow compensating by adjusting the flow of conference data to a plurality of nodes and the flow being adjusted for each node to accommodate the computing resources available at the node and the bandwidth and resources available on the network portion connecting the node, classified in class 709, subclasses 232, 233, and 234.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as a conferencing server whereas at least one client maintains a version of a shared portion and wherein the conference server is capable of transmitting said shared portion of said display to two or more clients in parallel as well as having a compression mechanism for compressing data updates and a decompression mechanism for decompressing compressed data updates but lacks data flow compensating by the

Art Unit: 2756

adjusting of the flow of conference data to a plurality of nodes and the flow being adjusted for each node to accommodate the computing resources available at the node and the bandwidth and resources available on the network portion connecting the node. Invention II has a separate utility such as a data flow compensating by the adjusting of the flow of conference data to a plurality of nodes and wherein the means for adjusting the flow of conference data is capable of controlling the flow and the flow being adjusted for each node to accommodate the computing resources available at the node and the bandwidth and resources available on the network portion connecting the node, but lacks as a conferencing server whereas at least one client maintains a version of a shared portion and wherein the conference server is capable of transmitting said shared portion of said display to two or more clients in parallel as well as having a compression mechanism for compressing data updates and a decompression mechanism for decompressing compressed data updates. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

a. Group I search (claims 1, 2, and 23-32) would require use of search of class 709, subclasses 204, 205, and 234 (which would not be required for Group II).

b. Group II search (claim 17 and 34-37) would require use of search of class 709, subclass 232, 233, and 234 (which would not be required for Group I).

Art Unit: 2756

4. A telephone call was made to Horace Ng on 14 August 2000 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731 or (703) 9508 (for informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Art Unit: 2756

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, DC 20231

OR:

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Driver, Arlington, VA., Sixth Floor (Receptionist)

WCV

WCV
Patent Examiner
AU 2756
August 14, 2000

MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet Geckil